

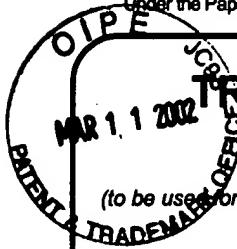
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# TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number

09/754,947

Filing Date

January 4, 2001

First Named Inventor

Lee, Bruce A.

Group Art Unit

1645

Examiner Name

P. Baskar

TECH CENTER 1600/2900

Attorney Docket Number

014907-003310US

## ENCLOSURES (check all that apply)

 Fee Transmittal Form Fee Attached Amendment / Response After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 Assignment Papers  
(for an Application) Drawing(s) Licensing-related Papers Petition Routing Slip (PTO/SB/69) and Accompanying Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer Request for Refund CD, Number of CD(s) After Allowance Communication to Group Appeal Communication to Board of Appeals and Interferences Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) Proprietary Information Status LetterCOPY OF PAPER  
ORIGINALLY FILED Other Enclosure(s)  
(please identify below):

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Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name

Townsend and Townsend and Crew LLP

Matthew E. Hinsch

Reg. No. 47,651

Signature

Date

January 25, 2002

## CERTIFICATE OF MAILING

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Attorney Docket No.: 014907-003310US

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On January 25, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Jayn Marshall

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

LEE et al.

Application No.: 09/754,947

Filed: January 4, 2001

For: ASSAYS FOR DETECTION OF  
BACILLUS ANTHRACIS

Examiner: P. Baskar

Art Unit: 1645

**RESPONSE TO RESTRICTION  
REQUIREMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants submit this Response with reference to the Office Communication mailed December 28, 2001. Applicants hereby elect with traverse the claims of Group I (claims 1-30).

**REMARKS**

Restriction of claims in a patent application is discretionary. A restriction requirement is made to avoid placing an undue examination burden on the Examiner and the Patent Office. According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. *See*, MPEP § 803. In



LEE et al.

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establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. Applicants respectfully submit that examination of the claims in Groups I-II in the present application would not create an undue burden.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew E. Hinsch".

Matthew E. Hinsch  
Reg. No. 47,651

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